

UNITED STATES DISTRICT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EMI NETWORK, INC.,

Plaintiff,

-vs-

MEDIA NETWORKS, INC.,

Defendant.

Case No. C-1-02-172

SENIOR JUDGE HERMAN WEBER
MAGISTRATE JUDGE TIMOTHY S. HOGAN

AGREED ORDER

WHEREAS, the parties to this litigation agreed to and engaged in a mediation with Henry L. Stephens, Jr., on August 15, 2003; and

WHEREAS, the parties wish to continue their settlement discussions in the hope of resolving this matter extra judicially; and

WHEREAS, prior scheduling orders in this action (Dockets 24, 29) established a deadline for dispositive motions of August 1, 2003, which was extended by agreed order on September 24, 2003 (Docket 44); and

WHEREAS, the parties have entered three agreed orders which have extended the dispositive motion deadline, permitted certain depositions, and preserved the right to pursue other discovery matters, such as the proposed deposition of Jack Haire, and the return of an Exhibit that Plaintiff contends was inadvertently produced to the Defendant.

NOW, THEREFORE, in order to facilitate the parties' settlement discussions, conserve judicial resources, and preserve the rights of the parties, it is **AGREED AND ORDERED**:

1. By agreement of the parties, the parties shall have until January 9, 2004 to continue and conclude settlement negotiations.

2. If this action is not settled by January 9, 2004, the parties shall have until February 6, 2004 in order to resolve all outstanding discovery issues, including issues pertaining to the pending motion to compel discovery, the proposed Jack Haire deposition, the return of the Exhibit that Plaintiff contends was inadvertently produced, Plaintiff's requests that Defendants produce additional categories of documents and answer interrogatories, and Plaintiff's request for additional Rule 30(B)(6) depositions.

3. If such discovery issues are not resolved between the parties, the parties have until February 6, 2004 to file any motions with the Court seeking to resolve such issues (other than motions in limine or motions at trial relating to discovery matters).

4. The parties shall have until March 5, 2004 to file any summary judgment motions.

5. The Joint Pretrial Order deadline is continued to July 6, 2004 with trial RESCHEDULED to the August 2004 trial term.

AGREED TO:

/s/ Paul Martins (by TSM per phone authorization)

Paul B. Martins, Esq. (0007623)
Robert M. Rice, Esq. (0061803)
HELMER MARTINS & MORGAN CO. LPA
Fourth & Walnut Centre – Suite 1900
105 East Fourth Street
Cincinnati, Ohio 45202-4008
Phone: (513) 421-2400
Fax: (513) 421-7902

Steven Sarfatti, Esq.
Suite 425 West
1025 Thomas Jefferson Street, NW
Washington, D.C. 20007

**Counsel for Plaintiff
EMI Network, Inc.**

/s/ Timothy S. Mangan

Michael S. Glassman, Esq. (0012713)
Timothy S. Mangan, Esq. (0069287)
DINSMORE & SHOHL, LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
Phone: (513) 977-8200
Fax: (513) 977-8141

Milton L. Williams, Jr., Esq.
Associate General Counsel
TIME, INC.
75 Rockefeller Plaza
New York, New York 10019

**Counsel for Defendant
Media Networks, Inc.**

SO ORDERED.

S/Herman J. Weber
**Herman J. Weber, Senior Judge
United States District Court**